

Applicant : James H. Flater et al.

Appln. No. : 10/532,899

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In the Drawings:

The attached sheets of drawings include changes to Figs. 2, 3, 5, 6 and 10. These sheets which includes Figs. 2, 3, and 5-10, replaces the original sheets including Figs. 2, 3, and 5-10.

In Figs. 2 and 3, element 40 has been changed to 38.

In Fig. 5, element 12 has been changed to 16.

In Fig. 6, element 158 has been changed to 157.

In Fig. 10, elements 192 and 194 have been removed and the leader line for element 192 has been extended.

Attachment: Replacement Sheets  
Annotated Sheets Showing Changes

## REMARKS

Claims 1-3 and 19 are currently pending in the present application. Applicant thanks the Examiner for the detailed review and respectfully requests reconsideration of the pending claims in light of the amendments thereto and arguments contained herein.

### OBJECTIONS TO THE DRAWINGS AND SPECIFICATION:

The drawings and specification were objected to on the grounds that the elements of the application contained certain errors therein. Both the drawings and the specification of the present application have been amended in accordance with and to address the objections as set forth by the Examiner.

### CLAIM REJECTIONS UNDER 35 U.S.C. §102:

Claims 1-3 were rejected under 35 U.S.C. §102(b) as being anticipated by Walther et al., U.S. Patent No. 2,072,661. Claim 1 has been amended to define a top hitch plate adapted for use within a fifth wheel hitch comprising, among other things, a pair of ears, each being curved along the length thereof with respect to a vertical plane and extending downwardly from a bottom surface of the hitch plate and extending longitudinally between the first and second support ribs. As is clearly illustrated in Fig. 1 of the Walther et al. reference, the aperture pivot members are not curved along the length thereof. Applicants note that spacing the ears from the associated ribs in the present invention allows certain flexure of the fifth wheel hitch plate, while the curvature of the ears provides structural rigidity thereto so as to prevent structural failure of the ears during the bending of the fifth wheel hitch plate. Walther et al. fails to disclose ears having a curved configuration, and therefore cannot anticipate claim 1.

Accordingly, claim 1 is in condition for allowance. Claims 2, 3 and 19 depend from claim 1 which is in condition for allowance, as noted above, and are therefore also in condition for allowance.

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Accordingly, claims 1-3 and 19 are believed to be in condition for allowance, and a Notice of Allowability is earnestly solicited.

Respectfully submitted,

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